



**IT IS ORDERED as set forth below:**

**Date: January 26, 2023**

A handwritten signature in black ink, appearing to be "Barbara Ellis-Monro", is written over a horizontal line.

**Barbara Ellis-Monro  
U.S. Bankruptcy Court Judge**

---

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 21-54552-BEM
	:	
DAVID ESCOBEDO HIDALGO,	:	CHAPTER 7
	:	
Debtor.	:	
	:	

**ORDER AUTHORIZING SETTLEMENT UNDER RULE 9019 OF THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE**

On December 28, 2022, S. Gregory Hays, as Chapter 7 Trustee ("**Trustee**") for the bankruptcy estate (the "**Bankruptcy Estate**") of David Escobedo Hidalgo ("**Debtor**"), filed a *Motion for Order Authorizing Settlement under Rule 9019 of the Federal Rules of Bankruptcy Procedure* [Doc. No. 40] (the "**Motion**") and related papers with the Court, seeking an order, among other things, approving a settlement agreement (the "**Settlement Agreement**") between Trustee; Freedom Mortgage Corporation ("**Freedom**"); and Caliber Home Loans, Inc. ("**Caliber**") and with Trustee and Freedom, the "**Parties**") related to the Debtor's former interest<sup>1</sup>

---

<sup>1</sup> In October of 2022, Trustee sold the Property and netted the Bankruptcy Estate approximately \$193,000.00 from the sale (the "**Net Sale Proceeds**"). See [Doc. No. 36].

in certain improved real property with a common address of 114 Truman Court, Jackson, Georgia 30233-5044 (the “**Property**”) and the alleged security interest of Freedom in the same. More specifically, under the terms of the Settlement Agreement, *inter alia*,<sup>2</sup> within 10 days of the Settlement Approval Order<sup>3</sup> becoming a final order, Trustee shall pay to Freedom \$125,047.00 from the Net Sale Proceeds (the “**Trustee Settlement Funds**”) in one lump sum payment by delivering a check to Freedom in the amount of \$125,047.00. Moreover, within 10 days of the Settlement Approval Order becoming final, Freedom shall pay to Trustee \$17,500.00 (the “**Freedom Settlement Funds**”) in one lump sum payment by delivering a check to Trustee in the amount of \$17,500.00. In addition, the Parties stipulate and agree that Freedom and Caliber shall not have a claim as an unsecured creditor in the Bankruptcy Case against the Bankruptcy Estate for any reason, and that neither Freedom or Caliber, nor any of their affiliates, agents, principals, or subsidiaries shall receive a distribution from the Bankruptcy Estate as an unsecured creditor. In addition, within ten (10) business days of the later of: (a) the Settlement Approval Order becoming a final order, (b) Trustee’s paying the Trustee Settlement Funds to Freedom, or (c) Freedom’s paying the Freedom Settlement Funds to Trustee; Trustee, Freedom, and Caliber shall file a stipulation dismissing with prejudice the Adversary Proceeding styled as *Hays v. Caliber Home Loans, Inc., et al.* (Adv. Pro. No. 21-5098-BEM). Finally, the Parties grant broad and general releases to one another. The exact terms of the Settlement Agreement are set forth on Exhibit “A” to the Motion.

Also on December 28, 2022, Trustee filed a *Notice of Motion for Order Authorizing*

---

<sup>2</sup> The following is a summary of the Settlement Agreement and is not intended to be comprehensive. To the extent that anything in this summary is contrary to the terms of the Settlement Agreement, the Settlement Agreement controls.

<sup>3</sup> Capitalized terms not defined in this Order shall have the meanings ascribed to them in the Motion.

*Settlement under Rule 9019 of the Federal Rules of Bankruptcy Procedure; Deadline to Object; and for Hearing* [Doc. No. 41] (the “**Notice**”) regarding the Motion, in accordance with the Second Amended and Restated General Order No. 24-2018, and setting a hearing on the Motion for January 24, 2023 (the “**Hearing**”). Counsel for Trustee certifies that he caused the Notice to be served on all requisite parties in interest on December 28, 2022. [Doc. No. 42].

No objection to the relief requested in the Motion was filed prior to the objection deadline provided in the Notice and pursuant to the Second Amended and Restated General Order No. 24-2018.

Counsel for Trustee appeared at the calendar call for the Hearing. No other party in interest appeared.

The Court having considered the Motion and all other matters of record, including the lack of objection to the relief requested in the Motion, and, based on the forgoing, finding that no further notice or hearing is necessary; and, the Court having found that good cause exists to grant the relief requested in the Motion, it is hereby

**ORDERED** that the Motion is **GRANTED**: the Settlement Agreement is approved and its terms are incorporated into this Order. It is further

**ORDERED** that Trustee may take any other actions necessary to satisfy the terms of the Settlement Agreement, including paying the Trustee Settlement Funds to Freedom in accordance with the terms of the Settlement Agreement. It is further

**ORDERED** that this Court retains jurisdiction to (i) interpret, implement, and enforce this Order, (ii) resolve any disputes regarding or concerning the Settlement Agreement, and (iii) enter such other and further orders as may be necessary, just, or proper as an aid to enforcement or implementation of this Order.

**[END OF DOCUMENT]**

**Order prepared and presented by:**

ROUNTREE LEITMAN KLEIN & GEER LLC  
*Attorneys for Trustee*

By: /s/ Michael J. Bargar

Michael J. Bargar  
Georgia Bar No. 645709  
Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, GA 30329  
Telephone: (404) 410-1220  
Email: mbargar@rlkglaw.com

**Identification of entities to be served:**

Office of the United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

S. Gregory Hays  
Hays Financial Consulting, LLC  
2964 Peachtree Rd, NW, Suite 555  
Atlanta, GA 30305

Christopher Nogales  
Nogales & Associates, LLC  
Bldg 3, Suite D  
1805 Herrington Lane  
Lawrenceville, GA 30043

David Escobedo Hidalgo  
915 Ashley Parkway  
Lawrenceville, GA 30043

Tania R. Tuttle  
McLain & Merritt, PC  
11625 Rainwater Drive, Ste 125  
Alpharetta, GA 30009

Keith S. Anderson  
Bradley Arant Boult Cummings LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2119

Michael J. Bargar  
Rountree Leitman Klein & Geer, LLC  
Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, GA 30329